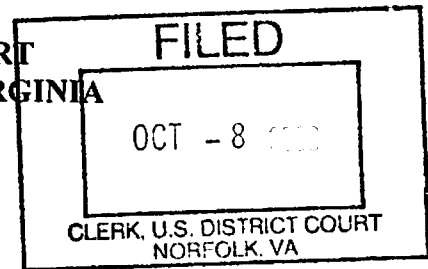


**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**



KENNETH LEE PARKER, #353982,

Petitioner,

v.

ACTION NO. 2:09cv84

GENE M. JOHNSON, Director of the
Virginia Department of Corrections,

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition alleges violation of federal rights pertaining to petitioner's convictions on April 27, 2005, in the Circuit Court for the City of Newport News for abduction, robbery, and two counts of using a firearm in the commission of a felony, as a result of which he was sentenced to serve forty-eight years in the Virginia penal system with twenty-five years suspended.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The Report and Recommendation filed September 24, 2009, recommends dismissal of the petition as it is barred by the statute of limitations. Each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. On September 27, 2009, the Court received Petitioner's Objections to the Report and Recommendation.

The Court reviewed the record and examined the objections filed by Petitioner to the Report and Recommendation. The objections did not even address the statute of limitations, which was the

basis for the recommendation that the petition be dismissed. Having made de novo findings with respect to the portions objected to, the Court does hereby adopt and approve the findings and recommendations set forth in the Report and Recommendation. It is, therefore, ORDERED that the petition be DENIED and DISMISSED. It is further ORDERED that judgment be entered in favor of Respondent.

Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right," therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 123 S.Ct. 1029, 1039 (2003).

Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within 30 days from the date of entry of such judgment.

The Clerk shall mail a copy of this Final Order to Petitioner and counsel of record for Respondent.

/s/
Robert G. Doumar
Senior United States District Judge

Norfolk, Virginia
October 7th, 2009

UNITED STATES DISTRICT JUDGE